

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

EFREM COLEMAN

PETITIONER

v.

No. 1:07CV44-M-D

MARGARET BINGHAM, ET AL., ET AL.

RESPONDENTS

FINAL JUDGMENT
ADOPTING REPORT AND RECOMMENDATION

Upon consideration of the file and records in this action, the court finds that the Report and Recommendation of the United States Magistrate Judge dated September 11, 2007, was on that date duly served by mail upon the *pro se* petitioner at his last known address; that more than ten days have elapsed since service of the Report and Recommendation; and that no objection to the Report and Recommendation has been filed or served by any party. The court is of the opinion that the magistrate judge's Report and Recommendation should be approved and adopted as the opinion of the court. It is, therefore **ORDERED**:

1. That the Report and Recommendation of the United States Magistrate Judge dated September 11, 2007, is hereby **APPROVED AND ADOPTED** as the opinion of the court.
2. That the instant petition for a writ of *habeas corpus* under 28 U.S.C. § 2254 is hereby **DISMISSED** without prejudice for failure to exhaust state court remedies.
3. That the petitioner's motion to hold the instant case in abeyance until he exhausts state court remedies is hereby **DENIED**.

THIS, the 3rd day of December, 2007.

/s/ MICHAEL P. MILLS
CHIEF JUDGE
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI